

[First Reprint]

ASSEMBLY, No. 1563

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

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SYNOPSIS

Amends stalking law to broaden protections for victims.

CURRENT VERSION OF TEXT

As amended by the Senate on November 24, 2008.

(Sponsorship Updated As Of: 2/6/2009)

1 AN ACT concerning stalking and amending P.L.1992, c.209.

2

3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

5

6 1. Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to
7 read as follows:

8 1. a. As used in this act:

9 (1) "Course of conduct" means repeatedly maintaining a visual
10 or physical proximity to a person; directly, indirectly, or through
11 third parties, by any action, method, device, or means, following,
12 monitoring, observing, surveilling, threatening, or communicating
13 to or about, a person, or interfering with a person's property;
14 repeatedly committing harassment against a person ¹[, including
15 but not limited to repeatedly making telephone calls]¹; or
16 repeatedly conveying, or causing to be conveyed, verbal or written
17 threats or threats conveyed by any other means of communication
18 or threats implied by conduct or a combination thereof directed at
19 or toward a person.

20 (2) "Repeatedly" means on two or more occasions.

21 (3) "Emotional distress" means significant mental suffering or
22 distress ¹[that may, but does not necessarily, require medical or
23 other professional treatment or counseling]¹.

24 ¹(4) "Cause a reasonable person to fear" means to cause fear
25 which a reasonable victim, similarly situated, would have under the
26 circumstances.¹

27 [(3)"Immediate family" means a spouse, parent, child, sibling or
28 any other person who regularly resides in the household or who
29 within the prior six months regularly resided in the household.]

30 b. A person is guilty of stalking, a crime of the **[fourth]**
31 ¹**[third]** fourth¹ degree, if he purposefully or knowingly engages in
32 a course of conduct directed at a specific person that would cause a
33 reasonable person to fear **[bodily injury to himself or a member of**
34 **his immediate family or to fear the death of himself or a member of**
35 **his immediate family]** for his safety or the safety of a third person
36 or suffer other emotional distress.

37 c. A person **[is guilty of a crime of the third degree if he]**
38 ¹**[who]** is guilty of a crime of the third degree if he¹ commits the
39 crime of stalking in violation of an existing court order prohibiting
40 the behavior ¹[shall be sentenced by the court to a mandatory
41 minimum term of imprisonment of six months, during which the
42 defendant shall be ineligible for parole]¹.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted November 24, 2008.

- 1 d. A person who commits a second or subsequent offense of
2 stalking against the same victim **[is guilty of a crime of the third**
3 **degree]** **'[shall be sentenced by the court to a mandatory minimum**
4 **term of imprisonment of six months, during which the defendant**
5 **shall be ineligible for parole]** **is guilty of a crime of the third**
6 **degree**¹.
- 7 e. A person **[is guilty of a crime of the third degree if he]**
8 **'[who]** **is guilty of a crime of the third degree if he**¹ commits the
9 crime of stalking while serving a term of imprisonment or while on
10 parole or probation as the result of a conviction for any indictable
11 offense under the laws of this State, any other state or the United
12 States **'[shall be sentenced by the court to a mandatory minimum**
13 **term of imprisonment of six months, during which the defendant**
14 **shall be ineligible for parole]**¹.
- 15 f. **'[A person who commits the crime of stalking against a**
16 **victim who is less than 18 years of age shall be sentenced by the**
17 **court to a mandatory minimum term of imprisonment of six months,**
18 **during which the defendant shall be ineligible for parole.**
- 19 g.]¹This act shall not apply to conduct which occurs during
20 organized group picketing.
21 (cf: P.L.2001, c.220, s.2)
22
- 23 2. This act shall take effect immediately.